

Legal Services Corporation Board, committing himself to help those who needed legal services, but could not afford it. He also served as adjunct faculty member of the Georgetown University Law Center.

John represented what is now my congressional district, the 13th district of Illinois. He was committed to helping those in need and represented his constituents with honor and integrity.

Mr. Speaker, I am grateful for the service John Erlenborn gave for the State of Illinois and our Nation for so many years.

On behalf of this body, I extend my deepest sympathies to the entire Erlenborn family during this difficult time. John Erlenborn lived a rich life. He never stopped giving to others even after his tenure in Congress, a model for all of us. He will be deeply missed.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MEEK) is recognized for 5 minutes.

(Mr. MEEK of Florida addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### STANDING TOGETHER FOR A SOLUTION TO BRING OUR TROOPS HOME

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Ms. JACKSON-LEE) is recognized until midnight.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this was a day when many of us had wished that we could have taken a very serious step toward redeploying our troops and bringing them home. I believe it is very important to speak to the American people for this brief moment by telling them of a story of a young woman I saw in a hospital in Germany who had just been shipped from Iraq. She was burned from head to toe. She laid in a hospital bed; and, yes, as a soldier, she was valiant and courageous, and her only concern was for her mother.

I use that example because we have heard it on the floor tonight, how our soldiers want to go back into battle and how our soldiers want us to have the resolve to stay the course.

But, Mr. Speaker, it is our responsibility as Members of Congress and policymakers whenever we send our soldiers into battle, we must send them for the right reasons.

We heard tonight that the American intelligence did not prove there were weapons of mass destruction, in fact, there were none; that the troops are in fact fodder for the insurgents, and health care is no longer promised to

our soldiers coming home; that we are now sending troops that are at the C-4 level, the lowest state of readiness; 50,000 may suffer from battle fatigue. It is important that we stand together for a solution to bring our troops home.

I voted "no" against the Hunter resolution because it was not a serious debate. It was not a serious statement to our soldiers, and I want them to know that I am willing to stay the course, but I want them to come home, and I want them to come home now with a plan. And a plan has been offered by Mr. MURTHA in H.J. Res. 73, a plan that suggests that the troops should be in a small number in the region, but our troops in large numbers should come home from Iraq. We must turn the government of Iraq over to Iraq.

This is the debate we should have:

H.J. RES. \_\_\_\_\_

To Redeploy U.S. Forces from Iraq.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2005

Mr. Murtha introduced the following joint resolution, which was referred to the Committee on \_\_\_\_\_

Whereas Congress and the American People have not been shown clear, measurable progress toward establishment of stable and improving security in Iraq or of a stable and improving economy in Iraq, both of which are essential to "promote the emergence of a democratic government";

Whereas additional stabilization in Iraq by U.S. military forces cannot be achieved without the deployment of hundreds of thousands of additional U.S. troops, which in turn cannot be achieved without a military draft;

Whereas more than \$277 billion has been appropriated by the United States Congress to prosecute U.S. military action in Iraq and Afghanistan;

Whereas, as of the drafting of this resolution, 2,079 U.S. troops have been killed in Operation Iraqi Freedom;

Whereas U.S. forces have become the target of the insurgency;

Whereas, according to recent polls, over 80 percent of the Iraqi people want the U.S. forces out of Iraq;

Whereas polls also indicate that 45 percent of the Iraqi people feel that the attacks on U.S. forces are justified;

Whereas, due to the foregoing, Congress finds it evident that continuing U.S. military action in Iraq is not in the best interests of the United States of America, the people of Iraq, or the Persian Gulf Region, which were cited in Public Law 107-243 as justification for undertaking such action;

Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

That:

SECTION 1. The deployment of United States forces in Iraq, by direction of Congress, is hereby terminated and the forces involved are to be redeployed at the earliest practicable date.

SEC. 2. A quick-reaction U.S. force and an over-the-horizon presence of U.S. Marines shall be deployed in the region.

SEC. 3. The United States of America shall pursue security and stability in Iraq through diplomacy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

(Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### ABLE DANGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I include material regarding Able Danger for the RECORD:

HOUSE OF REPRESENTATIVES,

Washington, DC, November 9, 2005.

Hon. DONALD RUMSFELD,  
Secretary, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY RUMSFELD: We the undersigned are formally requesting that you allow former participants in the intelligence program known as Able Danger to testify in an open hearing before the United States Congress. Until this point, congressional efforts to investigate Able Danger have been obstructed by Department of Defense insistence that certain individuals with knowledge of Able Danger be prevented from freely and frankly testifying in an open hearing. We realize that you do not question Congress's authority to maintain effective oversight of executive branch agencies, including your department. It is our understanding that your objection instead derives from concern that classified information could be improperly exposed in an open hearing. We of course would never support any activity that might compromise sensitive information involving national security. However, we firmly believe that testimony from the appropriate individuals in an open hearing on Able Danger would not only fail to jeopardize national security, but would in fact enhance it over the long term. This is due to our abiding belief that America can only better prepare itself against future attacks if it understands the full scope of its past failures to do so.

On September 21, the Senate Committee on the Judiciary conducted a hearing on Able Danger which Bill Dugan, Acting Assistant to the Secretary of Defense for Intelligence Oversight, certified did not reveal any classified information. Congressman Curt Weldon's testimony at that hearing was largely based on the information that has been given to him by Able Danger participants barred from open testimony by DOD. Their testimony would therefore closely mirror that of Congressman Weldon, who did not reveal classified information. Therefore we are at a loss as to how the testimony of Able Danger participants would jeopardize classified information. Much of what they would present has already been revealed. Further refusal to allow Able Danger participants to testify in an open congressional hearing can only lead us to conclude that the Department of Defense is uncomfortable with the prospect of Members of Congress questioning these individuals about the circumstances surrounding Able Danger. This would suggest not a concern for national security, but rather an attempt to prevent potentially embarrassing facts from coming to light. Such a consideration would of course be an unacceptable justification for the refusal of a congressional request.

Sincerely,

CURT WELDON,  
JOHN P. MURTHA.

## WHY DID THE 9/11 COMMISSION IGNORE 'ABLE DANGER'?

(By Louis Freeh)

It was interesting to hear from the 9/11 Commission again on Tuesday. This self-perpetuating and privately funded group of lobbyists and lawyers has recently opined on hurricanes, nuclear weapons, the Baltimore Harbor Tunnel and even the New York subway system. Now it offers yet another "report card" on the progress of the FBI and CIA in the war against terrorism, along with its "back-seat" take and some further unsolicited narrative about how things ought to be on the "front lines."

Yet this is also a good time for the country to make some assessments of the 9/11 Commission itself. Recent revelation from the military intelligence operation code-named, "Able Danger" have cast light on a missed opportunity that could have potentially prevented 9/11. Specifically, Able Danger concluded in February 2000 that military experts had identified Mohamed Atta by name (and maybe by photograph) as an al Qaeda agent operating in the U.S. Subsequently, military officers assigned to Able Danger were prevented from sharing this critical information with FBI agents, even though appointments had been made to do so. Why?

There are other questions that need answers. Was Able Danger intelligence provided to the 9/11 Commission prior to the finalization of its report, and, if so, why was it not explored? In sum, what did the 9/11 commissioners and their staff know about Able Danger and when did they know it?

The Able Danger intelligence, if confirmed, is undoubtedly the most relevant fact of the entire post 9/11 inquiry. Even the most junior investigator would immediately know that the name and photo ID of Atta in 2000 is precisely the kind of tactical intelligence the FBI has many times employed to prevent attacks and arrest terrorists. Yet the 9/11 Commission inexplicably concluded that it "was not historically significant." This astounding conclusion—in combination with the failure to investigate Able Danger and incorporate it into its findings—raises serious challenges to the commission's credibility and, if the facts prove out, might just render the commission historically insignificant itself.

The facts relating to Able Danger finally started to be reported in mid-August. U.S. Army Col. Anthony Shaffer, a veteran intelligence officer, publicly revealed that the Able Danger team had identified Atta and three other 9/11 hijackers by mid-2000 but were prevented by military lawyers from giving this information to the FBI. One week later, Navy Capt. Scott J. Phillpott, a U.S. Naval Academy graduate who managed the program for the Pentagon's Special Operations Command, confirmed "Atta was identified by Able Danger by January-February of 2000."

On Aug. 18, 2005, the Pentagon initially stated that "a probe" had found nothing to back up Col. Shaffer's claims. Two weeks later, however, Defense Department officials acknowledged that its "inquiry" had found "three more people who recall seeing an intelligence briefing slide that identified the ringleader of the 9/11 attacks a year before the hijackings and terrorist strikes." These same officials also stated that "documents and electronic files created by . . . Able Danger were destroyed under standing orders that limit the military's use of intelligence gathered about people in the United States." Then, in September 2005, the Pentagon doubled back and blocked several military officers from testifying at an open Congressional hearing about the Able Danger program.

Two members of Congress, Curt Weldon and Dan Burton, have also publicly stated that shortly after 9/11 attacks they provided then-Deputy National Security Adviser Stephen Hadley with a "chart" containing preattack information collected by Able Danger about al Qaeda. a spokesperson for the White House has confirmed that Mr. Hadley "recalled seeing such a chart in that time period but . . . did not recall whether he saw it during a meeting . . . and that a search of National Security Council files had failed to produce such a chart."

Thomas Kean, the chairman of the 9/11 Commission, reacted to Able Danger with the standard Washington PR approach. He lashed out at the Bush administration and demanded that the Pentagon conduct an "investigation" to evaluate the "credibility" of Col. Shaffer and Capt. Phillpott—rather than demand a substantive investigation into what failed in the first place. This from a former New Jersey governor who, along with other commissioners, routinely appeared in public espousing his own conclusions about 9/11 long before the commission's inquiry was completed and long before all the facts were in! This while dismissing out of hand the major conflicts of interest on the commission itself about obstructions to information-sharing within the intelligence community.

Nevertheless, the final 9/11 commission report, released on July 22, 2004, concluded that "American intelligence agencies were unaware of Mr. Atta until the day of the attacks." This now looks to be embarrassingly wrong. Yet amazingly, commission leaders acknowledged on Aug. 12 that their staff in fact met with a Navy officer 10 days before releasing the report, who "asserted that a highly classified intelligence operation, Able Danger, had identified Mohammed Atta to be a member of an al Qaeda cell located in Brooklyn." (Capt. Phillpott says he briefed them in July 2004.) The commission's statement goes on to say that the staff determined that "the officer's account was not sufficiently reliable to warrant revision of the report or further investigation," and that the intelligence operation "did not turn out to be historically significant," despite substantial corroboration from other seasoned intelligence officers.

This dismissive and apparently unsupported conclusion would have us believe that a key piece of evidence was summarily rejected in less than 10 days without serious investigation. The commission, at the very least, should have interviewed the 80 members of Able Danger, as the Pentagon did, five of whom say they saw "the chart." But this would have required admitting that the late-breaking news was inconveniently raised. So it was grossly neglected and branded as significant. Such a half-baked conclusion, drawn in only 10 days without any real investigation, simply ignores what looks like substantial direct evidence to the contrary coming from our own trained military intelligence officers.

No wonder the 9/11 families were outraged by these revelations and called for a "new" commission to investigate. "I'm angry that my son's death could have been prevented," seethed Diane Horning, whose son Matthew was killed at the World Trade Center. On Aug. 17, 2005, a coalition of family members known as the September 11 Advocates rightly blasted 9/11 Commission leaders Mr. Kean and Lee Hamilton for pooh-poohing Able Danger's findings as not "historically significant." Advocate Mindy Kleinberg aptly notes, "They [the 9/11 Commission] somehow made a determination that this was not important enough. To me, that says somebody there is not using good judgment. And if I'm questioning the judgment of this one case,

what other things might they have missed?" This is a stinging indictment of the commission by the 9/11 families.

The chairman of the Senate Judiciary Committee, Arlen Specter, has led the way in cleaning up the 9/11 Commission's unfinished business. Amid a very full plate of responsibilities, he conducted a hearing after noting that Col. Shaffer and Capt. Phillpott "appear to have credibility." Himself and former prosecutor, Mr. Specter noted: "If M? Atta and other 9/11 terrorists were identified before the attacks, it would be a very serious breach not to have that information passed along . . . we ought to get to the bottom of it." Indeed we should. The 9/11 Commission gets an "I" grade incomplete—for its dereliction regarding Able Danger. The Joint Intelligence Committee should reconvene and, in addition to Able Danger team members, we should have the 9/11 commissioners appear as witnesses so the families can hear their explanation why this doesn't matter.

Sent: Friday, November 11, 2005 9:21 AM

To: curtpa07

Subject: USS COLE

Our son Kenneth was the 1st killed on the USS Cole when it was attacked. Every since President Bush came into office I've been trying to get a meeting with him and the 17 families and the White House will not even acknowledge. I've been saying things like you are now saying ever since the attacked happened and NO one in government will talk to us. The FBI has lied to us on several facts and my own Congressmen will do anything for me except a meeting with the President. President Clinton did nothing to go after those that attacked the Cole and if he had of they would have uncovered numerous signs out there about what was going to happen on 9/11. We sure would like to talk to you.

JOHN CLODFELTER.

Sent: Friday, November 11, 2005 9:21 PM

To: curtpa07

Subject: Able Danger—9/11 Family Member

DEAR CONGRESSMAN WELDON: I write again to thank you for all you are doing to uncover the "Able Danger" story. I lost my brother Pete on 9/11, and over the last 4 years I have done what I could to educate myself on the "how's, why's and who's" of 9/11. I attended the Commission hearings both in Washington, D.C. and New York City, and to be frank . . . I thought the Commission was a farce. They may have reached recommendations that may prove worthy, but the agenda of some was all too obvious. I have felt from the beginning that certain Commissioners sat on the wrong side of the table, so to speak. Now that you have uncovered Able Danger, I want them all to sit as witnesses before Congress. Just who knew what and who decided these most important findings to be "historically insignificant," are questions that must be answered.

The loss of Pete on 9/11 is something I deal with every moment, of every day. Now that we are 2 weeks from what would've been his 47th birthday (one he shared with my sister, Kathy), a week away from Thanksgiving, 5 weeks from his favorite day of the year—Christmas . . . well, the heartache of his murder is felt a bit deeper.

On a personal note, Pete's death on 9/11 was one tragedy from that day, but it is not the only one. What his murder has done to our family is quite another. There is no way to explain how those terrorists ruined more than one life that day and there is no way to express my anger at how life for us will never again be the same. We struggle to find joy, we find it difficult to accomplish what once were ordinary tasks . . . but we do, and thanks to our faith. I also believe we do because of public servants like you. Decent

elected officials who actually serve the public instead of themselves. You have my family's backing and full support and we pray to GOD that more and more elected officials join you in your fight to expose Able Danger and in your fight to keep our Nation safe and secure, so no other family has to endure what we did on 9/11, and what we continue to endure since because of the acts of hate filled cowards.

Thank you again Congressman Weldon and God bless! Please keep up the good fight on Able Danger!

You remain in our thought & prayers, as does our President and our Brave Troops!

Sincerely,

A proud American,

JOHN P. OWENS,  
*Loving brother of Peter J. Owens, Jr.*

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of a death in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BLUNT) for today after 4:00 p.m. on account of illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McDERMOTT) to revise and extend their remarks and include extraneous material:)

Mr. MEEHAN, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. MEEK of Florida, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. HINCHEY, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mr. FRANKS of Arizona, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

Mr. FORTENBERRY, for 5 minutes, today.

Mr. PEARCE, for 5 minutes, today.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1418. An act to enhance the adoption of a nationwide interoperable health information technology system and to improve the quality and reduce the costs of health care in

the United States; to the Committee on energy and Commerce.

S. 1785. An act to amend chapter 13 of title 17, United States Code (relating to the vessel hull design protection), to clarify the distinction between a hull and a deck, to provide factors for the determination of the protectability of a revised design, to provide guidance for assessments of substantial similarity, and for other purposes; to the Committee on the Judiciary.

S. 1961. An act to extend and expand the Child Safety Pilot Program; to the Committee on the Judiciary.

S. 1989. An act to designate the facility of the United States Postal Service located at 57 Rolfe Square in Cranston, Rhode Island, shall be known and designated as the "Holly A. Charette Post Office"; to the Committee on Government Reform.

#### ENROLLED BILL AND A JOINT RESOLUTION SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill and a Joint Resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4326. An act to authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2006, and for other purposes.

#### BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on November 18, 2005, he presented to the President of the United States, for his approval, the following bills.

H.J. Res. 72. Making further continuing appropriations for the fiscal year 2006, and for other purposes.

H.R. 2419. Energy and Water Development Appropriations Act, 2006

H.R. 2490. To designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 2862. Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006

H.R. 3339. To designate the facility of the United States Postal Service located at 2061 South Park Avenue in Buffalo, New York, as the "James T. Molloy Post Office Building".

H.R. 4326. To authorize the Secretary of the Navy to enter into a contract for the nuclear refueling and complex overhaul of the U.S.S. Carl Vinson (CVN-70).

#### ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, pursuant to House Concurrent Resolution 307, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Concurrent Resolution 307, 109th Congress, the House stands adjourned until 2 p.m. on Tuesday, December 6, 2005.

Thereupon (at midnight), pursuant to House Concurrent Resolution 307, the House adjourned until Tuesday, December 6, 2005, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5296. A letter from the Secretary, Commission of Fine Arts, transmitting in response to OMB Memorandum 06-01, a report stating that the Commission has not conducting any competitive sourcing efforts in FY 2004, FY 2005, and are not conducting any competitions in FY 2006; to the Committee on Government Reform.

5297. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Department's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments [Docket No. 040830250-5062-03; I.D. 093005A] received October 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5298. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Specifications and Management Measures; Inseason Adjustments; Correction [Docket No. 051014263-5263-01; I.D. 093005A] (RIN: 0648-AU00) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5299. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5300. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100605C] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5301. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 041126333-5040-02; I.D. 100705B] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5302. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 100705A] received October 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5303. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States;